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EXAMINER

BUI, KIEU OANH T

ART UNIT PAPER NUMBER

2611

DATE MAILED: 07/17/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/199,740

Applicant(s)

WATANABE ET AL.

Examiner

KIEU-OANH T BUI

Art Unit

2611

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 May 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-50 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-50 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371© of this title before the invention thereof by the applicant for patent.

2. Claims 1-50 are rejected under 35 U.S.C. 102(e) as being anticipated by Acosta et al. (U.S. Patent No. 6,166,729).

Regarding claim 1, Acosta et al (or “Acosta” hereinafter) discloses an image downloading apparatus capable of down-loading an image to a plurality of clients via a network (Abstract, col. 1/line 60 to col. 2/line 42) comprising:

“a switch for switching between a first output means for outputting an image,” i.e, a first output from one of plurality of cameras for displaying an event or live broadcasting to a remote viewer at a local workstation accessing to the system or wireless network 14 (Fig. 4, and col. 8/lines 1-27) “and a second output means for outputting information which is independent of the image outputted by said first output means,” i.e, a second output from one of plurality of cameras for displaying an event or live broadcasting to a remote viewer at a local workstation accessing to the system or wireless network 14 (Fig. 4, and col. 8/lines 1-27 for outputs of multiple ones of the cameras 12 in operation at anytime to multiple users), for example, the Central Office Video Management System 16 or the COVMS 16 (col. 4/lines 26-28) acts a switch for switching between the first outputs and second outputs, eventually, between multiple outputs of multiple ones of the cameras 12 in operation at anytime to multiple users (Fig. 4 and col. 8/lines 1-27); and

“a switch controller for controlling said switch, wherein said switch controller controls said switch so as to select said second output device for a first predetermined period after said first output device is selected for a second predetermined period,” for example, a Business Manager within the COVMS 16 acts as a switch controller in this scenario because it handles all of fundamental operations of the COVMS 16 internally, i.e., acts as a switch in switching outputs to a plurality of viewers (col. 8/lines 12-15) as well as externally, i.e., in communicating with other COVMSs, customer connections and web site connections (col. 12/line 57 to col. 13/line 21) and the operation of the COVMS 16 is based on the queues setting by a timer for setting predetermined periods in selecting first output or second output or any other output to viewer as preferred. Furthermore, the controller can change the operation mode or service level or shut down a particular output device if a monitored usage for a predetermined period is exceeding preprogrammed thresholds (see Fig. 16, and col. 14/line 23 to col. 15/line 51 for more details on the entire process).

As for claim 2, in further view of claim 1 above, Acosta inherently suggests “wherein, when a request for down-loading of the image to be outputted by said first output device is received while said second output device is selected after a third predetermined period has elapsed since said switch switched from said first output device to said second output device, said switch controller controls said switch so as to switch from said second output device to said first output device” because the Business Manager monitors and maintains a smooth operations for providing outputs with a loop with setting timer, a plurality of predetermined periods can be set in order to handle the switching between outputs according to valid queues (see Fig. 16, and col. 14/line 23-col. 15/line 51, and col. 17/lines 19-26 for monitoring the overall performance of the system and making necessary adjustments).

Concerning claim 3, in further view of claim 1 above, Acosta further discloses “wherein the clients are classified into a plurality of groups, and the image down-loading apparatus further comprises a discrimination unit adapted to discriminate a group to which a client belongs, wherein said switch controller controls said switch so as to make the first predetermined period shorter for a client which belongs to a first group than for a client which belongs to a second group”, i.e., clients can be classified as Business Group 1 or Business group 2 (as illustrated in Fig. 27/item 1006) and particularly, as Permission groups with different levels of security for accessing to the system (see col. 31/line 30 to col. 32/line 8) and with the Active List Monitor, the system can dynamically monitors and sets the expiration time for one or more permission groups, for example, time for group I is shorter than time for group II, even logging out the user if the threshold is exceeded (col. 27/lines 12-37).

Concerning claim 4, in further view of claim 3 above, Acosta further discloses “further comprising memory for storing information on clients, wherein said discrimination unit discriminates a client as belonging to the first group when the information on the client is stored in said memory, and discriminates a client as belonging to the second group when the information on the client is not stored in said memory”, i.e., client information is stored in user databases (Fig. 31/item 1054) and the demand-only mode is used for restricting users to access to certain level of databases or limit archives for downloading (col. 31/lines 5-17) as well as different file servers for storing different sets of information data (as illustrated in Fig. 5).

As for claim 5, in further view of claim 3 above, Acosta further discloses “wherein said discrimination unit discriminates a client as belonging to the first group when the client enters a correct password, and discriminates a client as belonging to the second group otherwise”, i.e., login processes for users with username and correct password is addressed according to their permission level (belongs to which groups) (see col. 29/lines 10-49).

Concerning claims 6 and 7, in further view of claim 1 above, the steps of “wherein the clients are classified into a plurality of groups, and the image down-loading apparatus further comprises discrimination unit for discriminating a group to which a client belongs, wherein said switch controller control said switch so as to keep selecting said first output device for a client which belongs to a first group” and “further comprising memory for storing information on clients, wherein said discrimination unit discriminates a client as belonging to the first group when the information on the client is stored in said memory, and discriminates a client as belonging to a second group when the information on the client is not stored in said memory” is taught by Acosta, i.e., clients can be classified as Business Group 1 or Business group 2 (as illustrated in Fig. 27/item 1006) and particularly, as Permission groups with different levels of security for accessing to the system (see col. 31/line 30 to col. 32/line 8) and with the Active List Monitor, the system can dynamically monitors and sets the expiration time for one or more permission groups even logging out the user if the threshold is exceeded (col. 27/lines 12-37), and the demand-only mode is used for restricting users to access to certain level of databases or limit archives for downloading (col. 31/lines 5-17) as well as different file servers for storing different sets of information data (as illustrated in Fig. 5).

As for claim 8, in further view of claim 6 above, Acosta shows “wherein said discrimination unit discriminates a client as belonging to the first group when the client enters a correct password, and discriminates a client as belonging to the second group otherwise”, i.e., login processes for users with username and correct password is addressed according to their permission level (belongs to which groups) (see col. 29/lines 10-49).

As for claim 9, in further view of claim 1 above, Acosta further teaches “wherein the clients are classified into a plurality of groups, and the image down-loading apparatus further comprises a discrimination unit adapted to discriminate a group to which a client belongs, wherein said switch controller control said switch so as to keep selecting said first output device

for a client which belongs to a first group, and to make the first predetermined period shorter for a client which belongs to a second group than for a client which belongs to a third group”, i.e., clients can be classified as Business Group 1 or Business group 2 (as illustrated in Fig. 27/item 1006) and particularly, as Permission groups with different levels of security for accessing to the system (see col. 31/line 30 to col. 32/line 8) and with the Active List Monitor, the system can dynamically monitors and sets the expiration time for one or more permission groups, for example, time for group I is shorter than time for group III, even logging out the user if the threshold is exceeded (col. 27/lines 12-37).

As for claim 10, in further view of claim 1 above, Acosta discloses “wherein the image outputted by said first output device is a moving image”, i.e., a real-time live image is outputted for viewing at remote locations (col. 2/lines 17-25).

As for claim 11, in further view of claim 10 above, Acosta teaches “wherein the image outputted by said first output device is an image being sensed by a video camera”, i.e., video camera 12 is collecting images for outputting by first output device to viewers at remote locations (Figs. 1 & 4/items 12, and col. 4/lines 25-41 & col. 5/lines 43-67).

As for claim 12, in further view of claim 1 above, Acosta teaches the apparatus further “comprising memory for storing information, wherein the information to be outputted by said second output device is the information stored in said memory”, i.e., a processor card 20 of camera 12 contains memory or cache 56 for storing information (Fig. 3/item 56).

Regarding claim 13, Acosta teaches “an image down-loading system capable of down-loading an image to a plurality of clients via Internet (Abstract, col. 1/line 60 to col. 2/line 42), comprising: a first down-loading device which down-loads an image, i.e, a first download device from one of plurality of cameras for downloading an event or live broadcasting to a remote viewer at a local workstation accessing to the system or wireless network 14 (Fig. 4, and col. 8/lines 1-27); a second down-loading device which down-loads information which is

independent of the image downloaded by said first down-loading device, i.e., a second download device from one of plurality of cameras for downloading an event or live broadcasting to a remote viewer at a local workstation accessing to the system or wireless network 14 (Fig. 4, and col. 8/lines 1-27); a switch for switching between said first downloading device and said second down-loading device, i.e., the Central Office Video Management System 16 or the COVMS 16 (col. 4/lines 26-28) acts a switch for switching between the first outputs and second outputs as mentioned earlier, eventually, between multiple outputs of multiple ones of the cameras 12 in operation at anytime to multiple users (Fig. 4 and col. 8/lines 1-27); and a switch controller for controlling said switch, wherein said switch controller controls said switch so as to select said second down-loading device for a first predetermined period after said first down-loading device is selected for a second predetermined period”, for example, a Business Manager within the COVMS 16 acts as a switch controller in this scenario because it handles all of fundamental operations of the COVMS 16 internally, i.e., acts as a switch in switching outputs to a plurality of viewers (col. 8/lines 12-15) as well as externally, i.e., in communicating with other COVMSs, customer connections and web site connections (col. 12/line 57 to col. 13/line 21) and the operation of the COVMS 16 is based on the queues setting by a timer for setting predetermined periods in selecting first output or second output or any other output to viewer as preferred. Furthermore, the controller can change the operation mode or service level or shut down a particular output device if a monitored usage for a predetermined period is exceeding preprogrammed thresholds (see Fig. 16, and col. 14/line 23 to col. 15/line 51 for more details on the entire process).

As for claim 14, in further view of claim 13 above, Acosta discloses “wherein the clients have memory for storing the information down-loaded by said second down-loading device, and while said switch selects said second downloading device, the clients display the information stored in said memory”, i.e., client information is stored in user databases (Fig. 31/item 1054)

and the demand-only mode is used for restricting users to access to certain level of databases or limit archives for downloading (col. 31/lines 5-17) as well as different file servers for storing different sets of information data (as illustrated in Fig. 5).

As for claim 15, in further view of claim 13 above, Acosta further teaches “wherein the clients have memory for storing the information down-loaded by said second down-loading device, and since a communication path is established on the Internet until the image to be down-loaded by said first down-loading device starts to be down-loaded, the clients display the information stored in said memory”, i.e, the user can store the down-loaded information to a memory cache 1064 or to the work station computer 22 (Fig. 31 and col. 26/line 53 to col. 27/line 11).

As for claim 16, in further view of claim 13 above, Acosta suggests “wherein the clients have memory for storing the information down-loaded by said second down-loading device, and after a communication path on the network is disconnected, the clients display the information stored in said memory”, i.e., information can be downloaded locally to the user computer 22, thus, if a network connection is disconnected, the user obviously still can display the information col. 26/line 53 to col. 27/line 11).

As for claim 17, in further view of claim 13 above, the step of “wherein, when a request for down-loading of the image to be down-loaded by said first down-loading device is received while said second down-loading device is selected after a third predetermined period has elapsed since said switch switched from said first downloading device to said second down-loading device, said switch controller controls said switch so as to switch from said second down-loading device to said first downloading device” is taught by Acosta as Acosta includes the Business Manager monitors and maintains a smooth operations for providing outputs with a loop with setting timer, a plurality of predetermined periods can be set in order to handle the switching between outputs according to valid queues (see Fig. 16, and col. 14/line 23-col. 15/line 51, and

col. 17/lines 19-26 for monitoring the overall performance of the system and making necessary adjustments).

As for claim 18, in further view of claim 13 above, Acosta discloses “ wherein the clients are classified into a plurality of groups, and the image down-loading system further comprises a discrimination unit adapted to discriminate a group to which a client belongs, wherein said switch controller control said switch so as to make the first predetermined period shorter for a client which belongs to a first group than for a client which belongs to a second group”, i.e., clients can be classified as Business Group 1 or Business group 2 (as illustrated in Fig. 27/item 1006) and particularly, as Permission groups with different levels of security for accessing to the system (see col. 31/line 30 to col. 32/line 8) and with the Active List Monitor, the system can dynamically monitors and sets the expiration time for one or more permission groups, for example, time for group I is shorter than time for group II, even logging out the user if the threshold is exceeded (col. 27/lines 12-37).

As for claim 19, in further view of claim 18 above, Acosta further reveals “comprising memory for storing information on clients, wherein said discrimination unit discriminates a client as belonging to the first group when the information on the client is stored in said memory, and discriminates a client as belonging to the second group when the information on the client is not stored in said memory”, i.e., client information is stored in user databases (Fig. 31/item 1054) and the demand-only mode is used for restricting users to access to certain level of databases or limit archives for downloading (col. 31/lines 5-17) as well as different file servers for storing different sets of information data (as illustrated in Fig. 5).

Concerning claim 20, in further view of claim 18 above, Acosta teaches “wherein said discrimination unit discriminates a client as belonging to the first group when the client enters a correct password, and discriminates a client as belonging to the second group otherwise”, i.e.,

login processes for users with username and correct password is addressed according to their permission level (belongs to which groups) (see col. 29/lines 10-49).

As for claims 21 and 22, in further view of claim 13 above, Acosta reveals “wherein the clients are classified into a plurality of groups, and the image down-loading system further comprises a discrimination unit adapted to discriminate a group to which a client belongs, wherein said switch controller control said switch so as to keep selecting said first down-loading device for a client which belongs to a first group” and “further comprising memory for storing information on clients, wherein said discrimination unit discriminates a client as belonging to the first group when the information on the client is stored in said memory, and discriminates a client as belonging to a second group when the information on the client is not stored in said memory”

i.e., clients can be classified as Business Group 1 or Business group 2 (as illustrated in Fig. 27/item 1006) and particularly, as Permission groups with different levels of security for accessing to the system (see col. 31/line 30 to col. 32/line 8) and with the Active List Monitor, the system can dynamically monitors and sets the expiration time for one or more permission groups even logging out the user if the threshold is exceeded (col. 27/lines 12-37), and the demand-only mode is used for restricting users to access to certain level of databases or limit archives for downloading (col. 31/lines 5-17) as well as different file servers for storing different sets of information data (as illustrated in Fig. 5).

As for claim 23, in further view of claim 21 above, Acosta discloses “wherein said discrimination unit discriminates a client as belonging to the first group when the client enters a correct password, and discriminates a client as belonging to the second group otherwise”, i.e., login processes for users with username and correct password is addressed according to their permission level (belongs to which groups) (see col. 29/lines 10-49).

As for claim 24, in further view of claim 13 above, Acosta teaches “wherein the clients are classified into a plurality of groups, and the image down-loading system further comprises a discrimination unit adapted to discriminate a group to which a client belongs, wherein said switch controller control said switch so as to keep selecting said first down-loading device for a client which belongs to a first group, and to make the first predetermined period shorter for a client which belongs to a second group than for a client which belongs to a third group”, i.e., clients can be classified as Business Group 1 or Business group 2 (as illustrated in Fig. 27/item 1006) and particularly, as Permission groups with different levels of security for accessing to the system (see col. 31/line 30 to col. 32/line 8) and with the Active List Monitor, the system can dynamically monitors and sets the expiration time for one or more permission groups, for example, time for group I is shorter than time for group III, even logging out the user if the threshold is exceeded (col. 27/lines 12-37).

Concerning claim 25, in further view of claim 13 above, Acosta teaches “wherein the image down-loaded by said first down-loading device is a moving image”, i.e., a real-time live image is outputted for viewing at remote locations (col. 2/lines 17-25).

Concerning claim 26, in further view of claim 25 above, Acosta further teaches “wherein the image down-loaded by said first down-loading device is an image being sensed by a video camera”, i.e., video camera 12 is collecting images for outputting by first output device to viewers at remote locations (Figs. 1 & 4/items 12, and col. 4/lines 25-41 & col. 5/lines 43-67).

As for claim 27, in further view of claim 13 above, Acosta further teaches “comprising memory for storing information, wherein the information to be down-loaded by said second down-loading device is the information stored in said memory”, i.e., a processor card 20 of camera 12 contains memory or cache 56 for storing information (Fig. 3/item 56).

Regarding claims 28-42, these claims for “an image down-loading method capable of downloading an image to a plurality of clients via Internet” are rejected for the reasons given in the scope of apparatus and system claims 1-27 as already disclosed in details above.

Regarding claims 43-50, these claims for “a computer program product comprising a computer usable medium having computer readable program code means embodied in said medium for down-loading an image to a plurality of clients via a network, said product including: first computer readable program code means for down-loading an image; second computer readable program code means for down-loading information which is independent of the image; third computer readable program code means for switching from said first computer readable program code means to said second computer readable program code means after a first predetermined period has elapsed; and fourth computer readable program code means for switching from said computer readable program code means to said first computer readable program code means after a second predetermined period has elapsed” are rejected for the reasons given in the scope of apparatus and system claims 1-27 as already disclosed in details above.

Response to Arguments

3. Applicant's arguments filed on 04/26/02 have been fully considered but they are not persuasive.

Applicants basically argues that Acosta does not disclose “a switch controller for controlling said switch, wherein said switch controller controls said switch so as to select said second output device for a first predetermined period after said first output device is selected for a second predetermined period” by pointing out that Acosta does not disclose “the COVMS acts as a switch to select the first output means and the second output means...” In fact, Acosta

clearly discloses this (col. 8/lines 12-27). Furthermore, Acosta does address the selection of any output means for any set of period of time by showing that the operation of the COVMS 16 is based on the queues setting by a timer for setting predetermined periods in selecting first output or second output or any other output to viewer based on the monitoring of usage processes. In fact, the controller can change the operation mode or service level or shut down a particular output device if a monitored usage for a predetermined period is exceeding preprogrammed thresholds (see Fig. 16, and col. 14/line 23 to col. 15/line 51 for more details on the entire process). The first and second predetermined periods can be set or programmed by the suggested preprogrammed thresholds for imposing on any output devices for a particular operation mode, or service as disclosed by Acosta. Therefore, the Examiner disagrees with the Applicants' arguments, and stands with the disclosures of Acosta as discussed in the previous Non-Final and this Final Office Action.

Conclusion

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

5. **Any response to this action should be mailed to:**
Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:

(703) 872-9314, (for Technology Center 2600 only)


Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Krista Kieu-Oanh Bui whose telephone number is (703) 305-0095. The examiner can normally be reached on Monday-Friday from 9:00 AM to 6:00 PM, with alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Faile, can be reached on (703) 305-4380.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

Krista Bui
Art Unit 2611
July 08, 2002


ANDREW FAILE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600